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LETTER DATED 23 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF UKRAINE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE STATEMENT OF THE PRESS SECRETARY OF THE CABINET OF MINISTERS OF UKRAINE ON MATTERS CONCERNING NUCLEAR DISARMAMENT OF UKRAINE ISSUED ON 18 AUGUST 1993

I have the honour to forward to you the attached Statement of the Press Secretary of the Cabinet of Ministers of Ukraine on matters concerning nuclear disarmament of Ukraine issued on 18 August 1993.

I would be most grateful if, in accordance with the established practice, this statement could be issued as an official document of the Conference on Disarmament and circulated to all delegations, both member States and non-member States, participating in the work of the Conference.

(Signed) OLEXANDR SLIPCHENKO
Ambassador Extraordinary and
Plenipotentiary of Ukraine

STATEMENT
of the Press Secretary of the Cabinet of Ministers of Ukraine
on the matters concerning nuclear disarmament of Ukraine

As is known, the Russian Federation Government issued a statement in connection with certain issues related to strategic nuclear arms on the territory of Ukraine. The statement is based on erroneous or twisted notions with regard to Ukraine's position on nuclear issues. In particular, the statement asserts that by proclaiming itself the owner of the nuclear weapons Ukraine violates the international commitments, takes over control of the nuclear weapons, and that the 43rd missile army is under the Ukrainian Defense Ministry's command.

In fact, the guidelines of Ukraine's foreign policy endorsed by the Verkhovna Rada on 2 July 1993 state that "having become by virtue of historic circumstances, the nuclear weapons owner, which it inherited from the former USSR, Ukraine will never sanction their employment, excludes from the arsenal of its foreign policy threatening with their employment".

This provision just registers the situation, which in legal terms, was defined by Ukraine's laws based on international legal norms, particularly on the Vienna Convention on States' successorship of 1983.

Ukraine has not accepted the so-called take-over of the nuclear weapons from any other country, it has become their legal successor by virtue of international legal norms, and it does not produce nuclear weapons.

Ukraine has ceded its right to use the nuclear weapons to the CIS Unified Command, provided it retains control over these weapons' non-employment. All these facts do not contradict Ukraine's desire to eventually acquire the nuclear-free nation status, and the relevant provisions of the Non-Proliferation Treaty.

The NPT does not even contain the term "property", its key article 2 states only commitment of nuclear-free States not to accept from any States nuclear weapons, as well as control over them.

Thus, Ukraine only reaffirmed its successorship with regard to its proprietal right to a category of property located on its territory.

Regrettably, a normal constructive dialogue on issues involving the nuclear weapons stationed on Ukraine's territory is hindered by Russia's recent unilateral moves aimed at altering the status of the former USSR's Strategic Nuclear Forces, which was defined by the Presidents of Ukraine, Belarus, Kazakhstan and Russia, and at liquidating the CIS Unified Command set up by the four Presidents, and at denying Ukraine its proprietal right to components of the nuclear weapons stationed on its territory.

Thus, the Russian Federation unilaterally and without agreeing with Ukraine made a decision to liquidate the CIS Unified Command under whose operational control the Ukrainian nuclear weapons had been placed. This act is a direct violation of precisely those provisions of the Minsk agreement on

strategic forces which the Russian Federation's statement refers to, and which because of this act, virtually cannot be regarded as valid for Russia and Ukraine.

The string of unilateral actions by the Russian Federation includes the Russian Defense Ministry's decision made in February 1993 to liquidate category "C" facilities on Ukraine's territory which used to be techically serviced and secured in terms of nuclear safety of warheads stationed on Ukraine territory. The Russian side quite consciously for over 18 months has not supplied components necessary for the warheads' safe maintenance and subject to periodical replacement either to these units or to the 43rd Army. The Ukrainian Defense Ministry, in view of these moves by the Russian Federation's Defense Ministry, was forced to make a decision about retaining two such facilities in Ukraine and making them reportable to the 43rd Army of the CIS Strategic Forces.

In making this decision the Ukrainian side was guided solely by the interests of security nuclear safety of the strategic offensive arms dismantling process.

A decision with regard to the future destiny of the nuclear weapons on Ukraine's territory will be made by the Verkhovna Rada, which is currently considering the issue of the START's ratification.

But even now preparatory work is under way in Ukraine to implement the START and Lisbon Protocol after they come into effect. In particular, Ukraine is ready to implement article II of the Lisbon Protocol which provides for Belarus, Kazakhstan, Russia and Ukraine reaching agreements among them as to specific distribution among themselves of such limitations and restrictions, which were defined for the USSR. In doing this Ukraine is proceeding from the assumption that after the START becomes effective it will reduce strategic means of delivery inherited from the USSR in accordance with the reduction norm set for the former USSR by the START, that is, roughly by 36 per cent.

It is quite natural that in the first place most obsolete SS-19 missiles will be reduced, which pose the greatest threat to Ukraine's nuclear and environmental safety.

Ukraine has unilaterally declared its intention to become, in future, a nuclear-free State and join the Non-Proliferation Treaty. This intention's speedy and unimpeded implementation is dependent not on Ukraine alone, but on a balanced stance with regard to Ukraine on the part of nuclear powers, primarily Russia and the United States of America and on their relevant political decisions.

Dmytro Tabachnyk
Cabinet Press Secretary